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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY



ORIGINAL

April 7, 2004

Ms. Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street S.W., TW-A325  
Washington, D.C. 20554

Re: ***Notice of Ex Parte Presentation***  
**In the Matter of Voice Over Internet Protocol, WC 04-36**

Dear Ms. Dortch:

On Tuesday, April 6, 2004, the National Telecommunications Cooperative Association's (NTCA) Chief Executive Officer Michael E. Brunner sent identical letters to all Members of Congress, FCC Commissioners and NTIA Administrator concerning the above-captioned proceeding.

Pursuant to Section 1.1206 (b) of the rules and regulations of the Federal Communications Commission, an original and one copy of this letter are being filed with the Secretary's Office.

If you have any questions regarding this matter, please communicate with the undersigned.

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel Mitchell". The signature is fluid and cursive, with a large, stylized "M" and "D".

Daniel Mitchell  
Sr. Regulatory Counsel

DM:rhb  
Attachments

cc: Michael E. Brunner, NTCA

No. of Copies rec'd 0+2  
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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Chairman Michael Powell  
Federal Communications Commission  
445 12th St., S.W., Room 844  
Washington, D C. 20554

Dear Chairman Powell:

Voice over Internet protocol (VoIP) is an exciting technology from the perspective of consumers and telecommunications providers alike. Indeed, just as they have with earlier emerging technologies, NTCA's and its 560 members are already aggressively embracing VoIP. Yet, we are troubled by the many initiatives today that seek to forestall any oversight of this new technology. Allowing such an atmosphere to evolve will deter the fulfillment of the national commitment to maintaining an integrated universal telecommunications system.

We strongly support the idea that emerging technologies should remain free of regulatory restraint – to the extent possible. However, we contend that there is a stark difference between regulation and industry responsibilities such as the payment of legitimate access and universal service charges. We simply cannot agree to the development of an environment where new technologies can be employed to evade such responsibilities. Telecommunications infrastructure deployment has long been carried out with the knowledge that related costs would be fully recovered, just as they are in other lines of business. Policy arbitrage of this principle of capitalism must not be permitted.

We believe three critical steps should be taken to disincent parties from engaging in the further pursuit of strategies designed to use VoIP or other new technologies to evade industry and statutory responsibilities: (1) Eliminate the enhanced service provider exemption for ISP's, which provides protections that are no longer needed, (2) Classify VoIP as a telecommunications service and refrain from forbearing to enforce the mandates associated with this classification and (3) Subject VoIP providers to the same public interest/safety requirements that traditional providers must meet.

Our first concern has always been to ensure that rural telcos are able to fully serve their rural consumers. We hope we can count on your help to ensure this mission is ultimately fulfilled.

Sincerely,

Michael E. Brunner  
Chief Executive Officer

MEB:tdw

Identical letters sent to all Members of Congress, FCC Commissioners, NTIA Administrator



April 6, 2004

Commissioner Michael Copps  
Federal Communications Commission  
445 12th St., S.W., Room 844  
Washington, D.C. 20554

Dear Commissioner Copps:

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Michael E. Brunner  
Chief Executive Officer

MEB:tdw

Identical letters sent to all Members of Congress, FCC Commissioners, NTIA Administrator



April 6, 2004

Commissioner Kathleen Abernathy  
Federal Communications Commission  
445 12th St., S.W., Room 844  
Washington, D.C. 20554

Dear Commissioner Abernathy:

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Michael E. Brunner  
Chief Executive Officer

MEB:tdw

Identical letters sent to all Members of Congress, FCC Commissioners, NTIA Administrator



April 6, 2004

Commissioner Jonathan Adelstein  
Federal Communications Commission  
445 12th St., S.W., Room 844  
Washington, D.C. 20554

Dear Commissioner Adelstein:

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Sincerely,

A handwritten signature in black ink that reads "Michael E. Brunner". The signature is written in a cursive, flowing style.

Michael E. Brunner  
Chief Executive Officer

MEB:tdw

Identical letters sent to all Members of Congress, FCC Commissioners, NTIA Administrator



April 6, 2004

Commissioner Kevin Martin  
Federal Communications Commission  
445 12th St., S.W., Room 844  
Washington, D.C. 20554

Dear Commissioner Martin:

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